

1 **ENROLLED**

2 **Senate Bill No. 389**

3 (By Senators Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo,
4 Mullins, Gaunch, Miller, Ferns, and Snyder)

5 _____
6 [Passed March 2, 2015; in effect from passage.]
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9 AN ACT to amend and reenact §30-13-18 of the Code of West Virginia, 1931, as amended, relating
10 to the Board of Registration for Professional Engineers; changing time period for renewal
11 from fiscal year to calendar year; authorizing renewal notification by mail or electronically;
12 providing for reinstatement of nonrenewed licenses; authorizing annual or biennial renewal
13 periods; providing late fee; and authorizing legislative rules and emergency rules related to
14 renewal and reinstatement.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §30-13-13a, §30-13-17 and §30-13-18 of the Code of West Virginia, 1931, as amended, be
17 amended and reenacted, all to read as follows:

18 **ARTICLE 13. ENGINEERS.**

19 **§30-13-13a. Designations of nonpracticing status.**

20 The board may designate a professional engineer as ineligible to practice or offer to practice
21 engineering in this state using one of the following terms:

22 (1) *Professional engineer-retired.* – A registrant may apply for retired status upon

1 certification that he or she is no longer practicing or offering to practice engineering in this state for
2 remuneration.

3 (2) *Professional engineer-inactive.* – A registrant may request inactive status upon
4 affirmation that he or she is no longer practicing or offering to practice engineering in this state.

5 (3) *Professional engineer-lapsed.* – A registrant’s license is lapsed when the registrant does
6 not respond to renewal notices or pay the required fees.

7 (4) *Professional engineer-invalidated.* – A registrant’s license is invalidated when he or she
8 is unable to provide sufficient proof that any condition of renewal set forth in this article or by board
9 rule has been met.

10 **§30-13-17. Certificates of authorization required; naming of engineering firms.**

11 (a) No person or firm is authorized to practice or offer to practice engineering in this state
12 until the person or firm has been issued a certificate of authorization by the board.

13 (b) A person or firm desiring a certificate of authorization must file all the required
14 information with the board on an application form specified by the board. The required information
15 shall include the sworn statement of the engineer in responsible charge who is a professional
16 engineer registered in this state. The board shall issue a certificate of authorization to an applicant
17 who has met all the requirements and paid the fees set forth in board rules.

18 (c) No person or firm is relieved of responsibility for the conduct or acts of its agents,
19 employees, officers or partners due to compliance with the provisions of this article. No individual
20 practicing engineering under the provisions of this article is relieved of responsibility for engineering
21 services performed due to his or her employment or other relationship with a person or firm holding
22 a certificate of authorization.

1 (d) An engineer who renders occasional, part-time or contract engineering services to or for
2 a firm may not be designated as being in responsible charge for the professional activities of the firm
3 unless that engineer is an owner or principal of the firm.

4 (e) The Secretary of State shall not issue a certificate of authority or business registration or
5 license to an applicant whose business includes, among the objectives for which it is established, the
6 words engineer, engineering or any modification or derivation thereof unless the board of registration
7 for this profession has issued to the applicant a certificate of authorization or a letter indicating
8 eligibility to receive the certificate. The certificate or letter from the board shall be filed with the
9 application filed with the Secretary of State to do business in West Virginia.

10 (f) The Secretary of State shall decline to register a trade name or service mark which
11 includes the words engineer, engineering or modifications or derivatives thereof in its business name
12 or logotype except those businesses holding a certificate of authorization issued under the provisions
13 of this article.

14 (g) The certificate of authorization may be renewed or reinstated in accordance with board
15 rule and upon payment of the required fees.

16 (h) Every holder of a certificate of authorization has a duty to notify the board promptly of
17 any change in information previously submitted to the board in an application for a certificate of
18 authorization.

19 **§30-13-18. Renewals and reinstatement.**

20 (a) Certificates of registration and certificates of authorization expire on the last day of
21 December of the year indicated on the certificate, and the holder of any certificate that is not timely
22 renewed is ineligible to practice or offer to practice engineering in this state until the certificate has

1 been reinstated in accordance with rules promulgated by the board.

2 (b) Certificates may be renewed only in accordance with board rule, which may include
3 payment of a late fee for renewals not postmarked by December 31 of the year in which renewal is
4 required. The board shall notify every person or firm holding an active certificate under this article
5 of the certificate renewal requirements at least one month prior to the renewal date. The notice shall
6 be made by mail or electronic means using the contact information provided to the board.

7 (c) A certificate that was not timely renewed or for other reason was given a nonpracticing
8 status may be reinstated under rules promulgated by the board and may require reexamination and
9 payment of fees set forth in board rules.

10 (d) Effective July 1, 2015, the board may renew certificates on a biennial basis.

11 (e) The board shall promulgate emergency rules pursuant to section fifteen, article three,
12 chapter twenty-nine-a of this code to implement the provisions of this section.